

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

DELIVERMED HOLDINGS, LLC,

Plaintiff,

v.

MICHAEL L SCHALTENBRAND, JOE D.
SIDDLE and MEDICATE PHARMACY, INC.,

Defendants.

Case No. 10-cv-684-JPG-DGW

consolidated with

MARK A SWIFT,

Plaintiff,

v.

MEDICATE PHARMACY, INC. and
MICHAEL SCHALTENBRAND,

Defendants.

Case No 10-cv-685-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on the motion to strike filed by defendants Medicate Pharmacy, Inc. ("Medicate"), Michael Schaltenbrand and Joe Siddle (collectively, the Medicate Parties) (Doc. 124) and the motion to dismiss filed by Siddle (Doc. 126). Both motions were filed on August 19, 2011. Pursuant to Local Rule 7.1(c) and (g), the plaintiffs' response to the motion to strike was due 14 days after the motion was filed, and the plaintiffs' response to the motion to dismiss was due 30 days after the motion to dismiss was filed. Those deadlines have passed, but the plaintiffs have not responded. The Court may, in its discretion, construe a party's failure to file a timely response as an admission of the merits of the motion. Local Rule 7.1(c). The Court hereby **ORDERS** the plaintiffs to **SHOW CAUSE** on or before October 28, 2011,

why the Court should not construe their failure to timely respond to the motions as admissions of the merits of the motions, strike their prayers for attorneys' fees and prejudgment interest, and dismiss their claims against Siddle. Failure to respond in a timely manner to this order may result in the Court's granting the motions or dismissing this action for lack of prosecution pursuant to Federal Rule of Civil Procedure 41(b) and the Court's inherent authority to manage its docket. *See In re Bluestein & Co.*, 68 F.3d 1022, 1025 (7th Cir. 1995). Responses to the two pending motions shall be an adequate response to this order to show cause.

IT IS SO ORDERED.

DATED: October 12, 2011

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE